

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

UNITED STATES OF AMERICA,

v.

HUGH STEVENS and SANDRA JACOBI,

Defendants.

ORDER
04-CR-222S

1. The parties appeared for a status conference on September 2, 2008, at which time this Court granted Defendant Stevens's request for a hearing on whether counsel previously involved in this case operated under a conflict of interest. This issue was raised by this Court *sua sponte* after the Second Circuit's decision in Ventry v. United States, No. 06-3104, 2008 WL 3544096 (2d Cir. Aug. 15, 2008).

2. In Ventry, the Second Circuit suggested that attorneys Thomas Eoannou, Anthony Lana, and Michael D'Amico are engaged in a professional relationship that may constitute a law partnership and could give rise to a conflict of interest. Thomas Eoannou represented Defendant Stevens in the early stages of this case, and Anthony Lana represents co-defendant Louis Russo, who agreed to cooperate with the Government. John Pieri, another attorney who represents a co-defendant in this case, works in the same building as attorneys Eoannou, Lana, and D'Amico.

3. Attorneys Eoannou, Lana, and Pieri shall each file and serve an affidavit and appear for a hearing on whether they exchanged information concerning their respective clients at any time during their involvement in this case. Counsel will be subject to examination by both Defendant Stevens's counsel and the Assistant United States Attorney. Further, Defendant Stevens shall file a submission detailing his position on this

issue and/or related issues.

IT HEREBY IS ORDERED, that Defendant Stevens shall file and serve his submission detailing his position by 5:00 p.m. on September 3, 2008.

FURTHER, that attorneys Eoannou, Lana, and Pieri shall each file and serve an affidavit addressing the issues discussed above and, if appropriate, responding to Defendant Stevens's submission by 5:00 p.m. on September 4, 2008.

FURTHER, that the parties and attorneys Eoannou, Lana, and Pieri shall appear before this Court at 1:00 p.m. on September 5, 2008, for a hearing on this matter.

SO ORDERED.

Dated: September 2, 2008
Buffalo, New York

/s/William M. Skretny
WILLIAM M. SKRETNY
United States District Judge